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ECF Filed on 10/17/22

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

In Re:

WILLIE N. MOON, and
ADNETTE M. GUNNELS-MOON

Debtors.

District Court Case : 2:22-cv-01126-APG
2:22-cv-01155-ART
(Cross-Appeal)

Case No. 13-12466-MKN
Chapter 13

RUSHMORE LOAN MANAGEMENT
SERVICES, LLC

Appellant/Cross-Appellee,

v.

WILLIE N. MOON, and
ADNETTE M. GUNNELS-MOON

Appellees/Cross-Appellants.

**STIPULATION AND ORDER
FOR FIRST EXTENSION OF TIME
FOR THE MOONS TO FILE THEIR
OPENING BRIEF AND RUSHMORE
TO FILE ITS REPLY BRIEF**

COME NOW, Appellees/Cross-Appellants, Willie N. Moon and Adnette M. Gunnels-Moon, jointly (“Appellees/Cross-Appellants” or “the Moons”), and Appellant/Cross-Appellee, Rushmore Loan Management Services, LLC (“Appellant/Cross-Appellee” or “Rushmore”), by and through their respective counsel of record in the above-captioned matter, and hereby stipulate and agree, pursuant to LR 7-1, as follows:

1 1. This is the Moons First Request for an Extension of Time to File their Opening
2 Brief and Rushmore to file its Reply Brief.

3 2. This appeal is the result of a consolidation of an appeal and cross-appeal
4 (Dkt.#16).

5 3. After the Court's consolidation, the Moons attorney name was apparently
6 omitted from the e-service list (Ex. '1').

7 4. Therefore, the Moons attorney never received notice of the scheduling order
8 or Rushmore's opening brief by email. Instead, the Moons attorney received Rushmore
9 opening brief on October 11, 2022 by regular mail.

10 5. Appellees/Cross-Appellants Response Brief, is currently due on October 18,
11 2022.

12 6 The Moons are seeking a thirty (30) day extension until November 17, 2022
13 to file their responsive and opening brief (second brief).

14 7. That Rushmore will have until December 19, 2022 to file its Reply Brief (third
15 brief).

16 8. The Moons requested that they be allowed to file a Fourth and final brief, to
17 which Rushmore does not agree.¹

18 9. The Parties are entering into this stipulation in good faith and not for
19 purposes of delay.

20 **IT IS HEREBY STIPULATED THAT:**

21 10. The Moons Opening Brief is hereby extended to November 17, 2022 and
22 Rushmore Reply Brief will be due until December 19, 2022.

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27 1. The Moons intend to file a motion to allow them to file a reply brief to their cross-
28 appeal.

1 Dated: October 17, 2022

Dated: October 17, 2022

2 Christopher P. Burke, Esq.


Alston & Bird, LLP

3
4 By: /s/ Christopher P. Burke, Esq.
5 Christopher P. Burke, Esq.
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Appellees/Cross-Appellants

By: /s/ Leib M. Lerner, Esq.
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Attorney for Appellant/Cross-Appellee

9 **ORDER**

10 **IT IS SO ORDERED.**

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13 US DISTRICT COURT JUDGE

14 DATED: October 18, 2022
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Ex. '1'

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**United States District Court
District of Nevada (Las Vegas)
CIVIL DOCKET FOR CASE #: 2:22-cv-01126-APG**

Rushmore Loan Management Services, LLC v. Gunnels-Moon

Assigned to: Judge Andrew P. Gordon

Case in other court: UNITED STATES BANKRUPTCY COURT DISTRICT OF
NEVADA, BK-13-12466

Cause: 28:0158 Notice of Appeal re Bankruptcy Matter (BA)

Date Filed: 07/14/2022

Jury Demand: None

Nature of Suit: 422 Bankruptcy Appeal (801)

Jurisdiction: Federal Question

In Re

Willie N. Moon

In Re

Adnette M. Gunnels-Moon

Appellant

Rushmore Loan Management Services, LLC

represented by **Cami Perkins**

Howard & Howard

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 TERMINATED: 09/19/2022

V.

Appellee**Adnette M. Gunnels-Moon****Trustee****US Trustee**represented by **U.S. Trustee, Las Vegas**

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 Fax: 702-388-6658
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/14/2022		Case randomly assigned to Judge Andrew P. Gordon. (JQC) (Entered: 07/14/2022)
07/14/2022	<u>1</u>	Notice of APPEAL FROM BANKRUPTCY COURT, Bankruptcy Court case number BK-13-12466-mkn. (Attachments: # <u>1</u> Order Transferring Cross Appeals, # <u>2</u> Notice of Referral of Appeal, # <u>3</u> Transmittal, # <u>4</u> Appeal Memorandum) (JQC) (Entered: 07/14/2022)
07/14/2022	<u>2</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 7/14/2022. IT IS ORDERED that the designation of reporters and recorders transcripts (if any) as required by Fed. R. Bankr. P. 8009(a) shall be filed with the clerk of bankruptcy court so the certificate of readiness may be transmitted timely to the district court. If the designation was previously filed with the clerk of BAP, counsel shall file a copy of the same with the clerk of bankruptcy court. IT IS FURTHER ORDERED that all future documents filed in connection with this appeal shall bear the bankruptcy case number, adversary case number (if any) and the district court civil case number. For Bankruptcy Appeals, Attorneys are required to file Verified Petitions in accordance with LR IA 11-2. (no image attached) (Copies have been distributed pursuant to the NEF - JQC) (Entered: 07/14/2022)
08/01/2022	<u>3</u>	MOTION to Substitute Attorney Howard & Howard Attorneys PLLC and Alston & Bird LLP in for Attorney Akerman LLP by Appellant Rushmore Loan Management Services, LLC. Responses due by 8/15/2022. (Kohl, James) (Entered: 08/01/2022)
08/01/2022	<u>4</u>	NOTICE of Appearance by attorney James A. Kohl on behalf of Appellant Rushmore Loan Management Services, LLC. (Kohl, James) (Entered: 08/01/2022)
08/01/2022	<u>5</u>	MOTION/VERIFIED PETITION for Permission to Practice Pro Hac Vice by Leib M. Lurner and DESIGNATION of Local Counsel James A. Kohl (Filing fee \$ 250 receipt number ANVDC-6993664) by Appellant Rushmore Loan Management Services, LLC. (Kohl, James) (Entered: 08/01/2022)

08/01/2022	<u>6</u>	MOTION/VERIFIED PETITION for Permission to Practice Pro Hac Vice by Jacob A. Johnson and DESIGNATION of Local Counsel James A. Kohl (Filing fee \$ 250 receipt number ANVDC-6993681) by Appellant Rushmore Loan Management Services, LLC. (Kohl, James) (Entered: 08/01/2022)
08/01/2022	<u>7</u>	Submission of PROPOSED ORDER on <u>3</u> Motion to Substitute Attorney/Party by Appellant Rushmore Loan Management Services, LLC.. (Kohl, James) (Entered: 08/01/2022)
08/02/2022	<u>8</u>	ORDER Granting <u>5</u> Verified Petition for Permission to Practice Pro Hac Vice as to Leib M. Lerner for Rushmore Loan Management Services, LLC and approving Designation of Local Counsel as to James A. Kohl. Signed by Judge Andrew P. Gordon on 8/2/2022. Any Attorney not yet registered with the Court's e-filing system shall register on the PACER website www.pacer.gov (Copies have been distributed pursuant to the NEF - KF) (Entered: 08/02/2022)
08/02/2022	<u>9</u>	ORDER Granting <u>6</u> Verified Petition for Permission to Practice Pro Hac Vice as to Jacob A. Johnson for Rushmore Loan Management Services, LLC and approving Designation of Local Counsel as to James A. Kohl. Signed by Judge Andrew P. Gordon on 8/2/2022. Any Attorney not yet registered with the Court's e-filing system shall register on the PACER website www.pacer.gov (Copies have been distributed pursuant to the NEF - KF) (Entered: 08/02/2022)
08/02/2022	<u>10</u>	CERTIFICATE of Readiness to United States District Court. (JQC) (Entered: 08/03/2022)
08/03/2022	<u>11</u>	MINUTE ORDER IN CHAMBERS of the Honorable Judge Andrew P. Gordon on 8/3/2022. IT IS ORDERED that the appellant shall have a period of 14 days from the date of this order to file/serve an opening brief. Appellee shall have 14 days after to file/serve an answering brief. Thereafter, appellant shall have 14 days to file/serve a final reply brief. IT IS FURTHER ORDERED that appellant shall file and serve excerpts of the record as an appendix to the appellant brief pursuant to Fed. R. Bankr. P. 8009(b) and LR IC 2-2. Appellee may also file/serve an appendix with appellee brief which contains required material omitted by appellant. Opening brief due by 8/17/2022. Answering brief due by 8/31/2022. Reply brief due by 9/14/2022. (no image attached) (Copies have been distributed pursuant to the NEF - JQC) (Entered: 08/03/2022)
08/04/2022	<u>12</u>	MOTION to Consolidate Bankruptcy Cross-Appeal and Vacate Scheduling Order by Appellant Rushmore Loan Management Services, LLC. Responses due by 8/18/2022. (Kohl, James) Modified on 8/4/2022 (SLD). (Entered: 08/04/2022)
08/04/2022	<u>13</u>	CLERK'S NOTICE. Attorney Action Required to ECF No. <u>12</u> . Document was not filed pursuant to LR IC 2-2(b) by attorney James A. Kohl. For each type of relief requested or purpose, a separate document must be filed. Counsel is advised to refile ECF No. <u>12</u> as a Motion to Vacate Scheduling Order using the same PDF image and appropriate document event to be in compliance with LR IC 2-2(b) and LR IC 2-2(c) by filing a separate document for each request or purpose. (no image attached) (SLD) (Entered: 08/04/2022)
08/05/2022	<u>14</u>	MOTION to Vacate Scheduling Order re 11 Minute Order Bankruptcy Briefing Schedule,,, by Appellant Rushmore Loan Management Services, LLC. Responses due by 8/19/2022. (Kohl, James) (misc) (appeal) (Entered: 08/05/2022)
08/09/2022	<u>15</u>	ORDER Granting <u>14</u> Motion to Vacate Scheduling Order. Signed by Judge Andrew P. Gordon on 8/9/2022. (Copies have been distributed pursuant to the NEF - JQC) (Entered: 08/09/2022)
09/16/2022	<u>16</u>	ORDER Granting <u>12</u> Motion to Consolidate Cases. Case No. 2:22-cv-01126-APG and Case No. 2:22-cv-01155-ART are consolidated, with Case No. 2:22-cv-01126-APG serving as the lead case. All further filings in these cases shall be filed in the lead case. Signed by Judge Andrew P. Gordon on 9/16/2022. (Copies have been distributed pursuant to the NEF - JQC) (Entered: 09/16/2022)
09/19/2022	<u>17</u>	ORDER that Appellants opening brief is due by 10/3/2022. Appellees response brief is due by 10/18/2022. Appellants reply brief is due by 11/2/2022. Signed by Judge Andrew P. Gordon on 9/19/2022. (Copies have been distributed pursuant to the NEF - TRW) (Entered: 09/19/2022)
09/19/2022	<u>18</u>	ORDER Granting <u>3</u> Motion to Substitute Attorneys. Howard & Howard Attorneys PLLC, Cami M. Perkins and James A. Kohl, and Alston & Bird LLP, Leib M. Lerner and Jacob A. Johnson, for Rushmore Loan Management Services, LLC substituted for Alston & Bird LLP, Ariel E. Stern and Natalie L Winslow. Signed by Judge Andrew P. Gordon on 9/19/2022. (Copies have been distributed pursuant to the NEF - TRW) (Entered: 09/19/2022)
10/03/2022	<u>19</u>	OPENING BRIEF by Appellant Rushmore Loan Management Services, LLC. <i>Rushmore's Opening Brief.</i> (Kohl, James) (Entered: 10/03/2022)

10/03/2022	<u>20</u>	APPENDIX <i>Appendix to Rushmores Opening Brief [Vol. I]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit A)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>21</u>	APPENDIX <i>Appendix to Rushmores Opening Brief [Vol. II]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit B, # <u>2</u> Exhibit C, # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit H-1, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J, # <u>11</u> Exhibit K, # <u>12</u> Exhibit L)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>22</u>	APPENDIX <i>Appendix to Rushmores Opening Brief [Vol. III]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit M, # <u>2</u> Exhibit N, # <u>3</u> Exhibit O, # <u>4</u> Exhibit P)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>23</u>	APPENDIX <i>Appendix to Rushmore's Opening Brief [Vol. IV]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit Q)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>24</u>	APPENDIX <i>Appendix to Rushmore's Opening Brief [Vol. V]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit R)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>25</u>	APPENDIX <i>Appendix to Rushmore's Opening Brief [Vol. VI]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit S, # <u>2</u> Exhibit T, # <u>3</u> Exhibit U, # <u>4</u> Exhibit V, # <u>5</u> Exhibit W, # <u>6</u> Exhibit X)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>26</u>	APPENDIX <i>Appendix to Rushmore's Opening Brief [Vol. VII]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit Y, # <u>2</u> Exhibit Z, # <u>3</u> Exhibit AA, # <u>4</u> Exhibit BB, # <u>5</u> Exhibit CC, # <u>6</u> Exhibit DD)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>27</u>	APPENDIX <i>Appendix to Rushmore's Opening Brief [Vol. VIII]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit EE, # <u>2</u> Exhibit FF, # <u>3</u> Exhibit GG, # <u>4</u> Exhibit HH, # <u>5</u> Exhibit II)(Kohl, James) (Entered: 10/03/2022)
10/03/2022	<u>28</u>	APPENDIX <i>Appendix to Rushmore's Opening Brief [Vol. IX]</i> to <u>19</u> Brief by Appellant Rushmore Loan Management Services, LLC.. (Attachments: # <u>1</u> Exhibit JJ, # <u>2</u> Exhibit KK, # <u>3</u> Exhibit LL, # <u>4</u> Exhibit MM, # <u>5</u> Exhibit OO, # <u>6</u> Exhibit PP, # <u>7</u> Exhibit QQ, # <u>8</u> Exhibit RR, # <u>9</u> Exhibit SS)(Kohl, James) (Entered: 10/03/2022)

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